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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,580	12/29/2003	Robert E. Higashi	H0004490 (1100.1226101)	8588

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EXAMINER

NGUYEN, THINH T

ART UNIT	PAPER NUMBER
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2818

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/750,580	HIGASHI ET AL.	
	Examiner	Art Unit	
	Thinh T. Nguyen	2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 26-51 is/are pending in the application.
- 4a) Of the above claim(s) 26-51 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to Applicant's Amendment filed January 5th 2007

Note that the figures and reference numbers referred to in this Office Action are used merely to indicate an example of a specific teaching and are not to be taken as limiting.

2. Claims 1-9 and 31-51 are pending with claims 31-51 withdrawn from consideration. Applicant has cancelled claims 10-25 and previously withdrew claims 26- 30 from consideration.

3. **Applicant's amendment to independent claim 1 have necessitated new grounds of rejection for claims 1-4 . See MPEP § 706.07(a).**

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the

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purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. Claim 1 is rejected under 35 U.S.C. §102(e) as being anticipated by Glenn et al. (U.S. Patent 6,266,197).

With regard to claim 1, Glenn discloses (in the abstract in fig 1, fig 2, fig 15, fig 16) An integrated package comprising: a first wafer (reference 124 in fig 1,fig 2,fig 15,fig 16) having a first surface; a second wafer (fig 1,fig 2, fig 15,fig 16 reference 102) having a first surface bonded at a first perimeter to the first surface of the first wafer, the second wafer having a detector (fig 16 reference 106, column 10 line 1) on its first surface; and a recess formed in the first surface of the first wafer between the first perimeter and a second perimeter situated within the first perimeter for a window situated within the second perimeter wherein the detector is situated within the second perimeter.

Noted that in Glenn disclosure, the first wafer 124 has a recess to fit window element 122C in fig 15 and fig 16) and this recess is formed in between the first perimeter and the second perimeter.

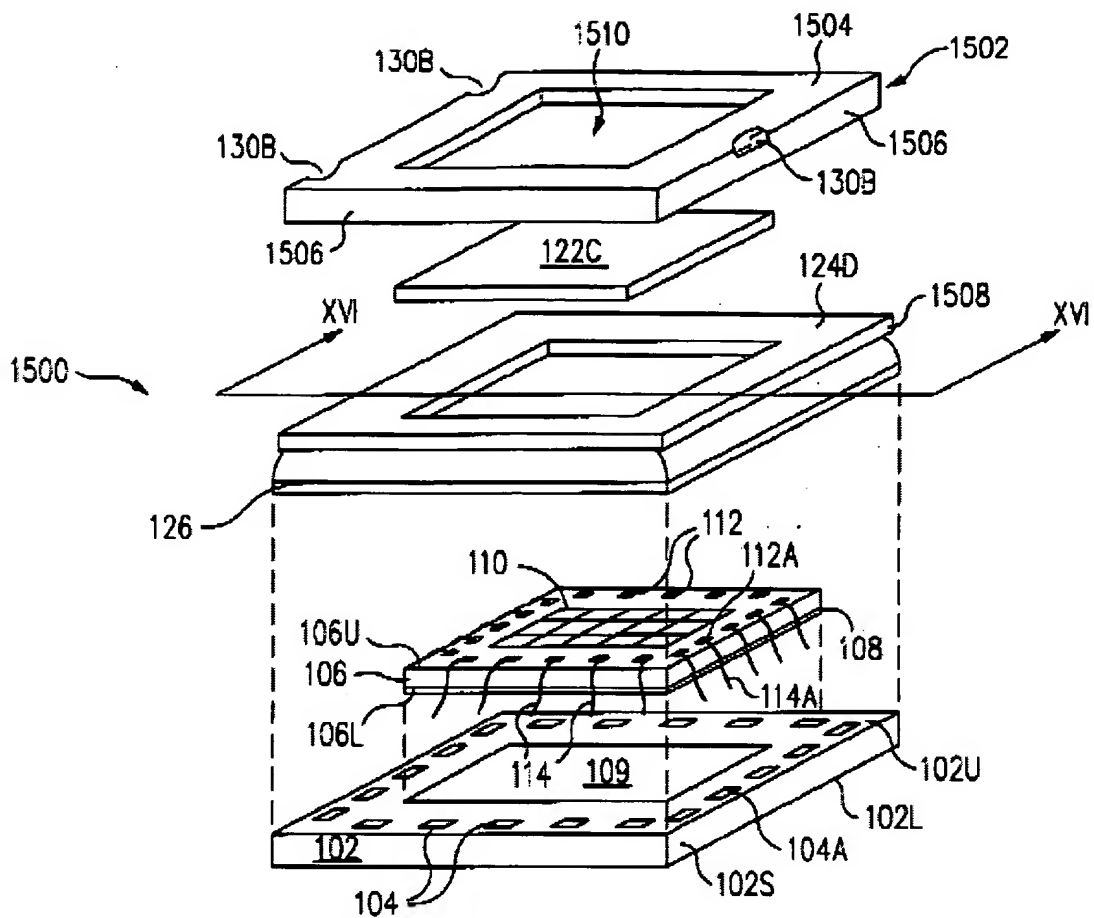


FIG. 15

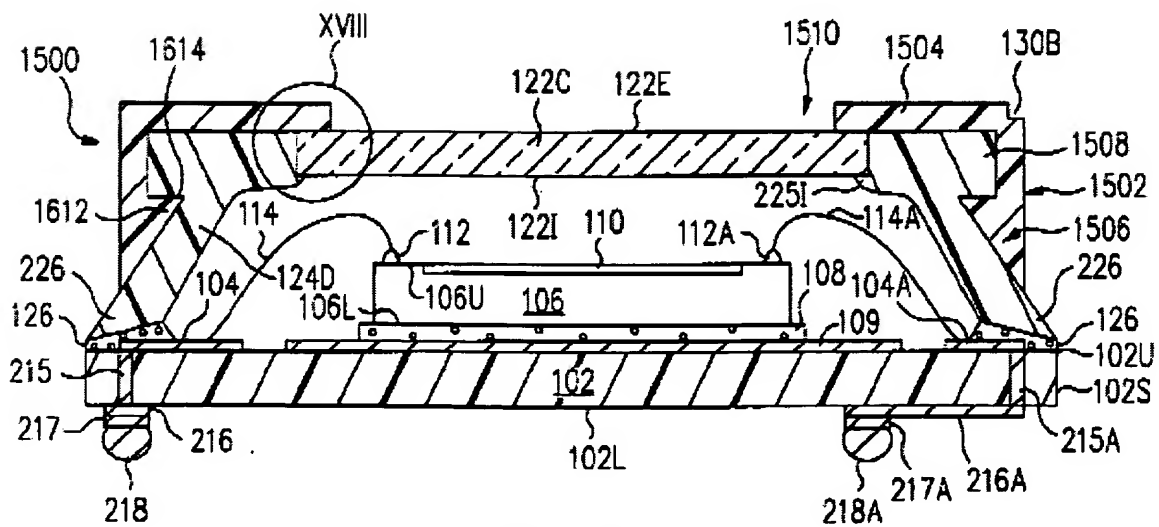


FIG. 16

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Glenn et al. (U.S. Patent 6,266,197) in view of Syllaaios et al. (US patent 6,897,469).

With regard to claim 2,3 Glenn discloses all the invention except for a bump pattern on the first surface and the second surface of the first wafer. Syllaaios, however , discloses a first wafer (Syllaaios called it the lid wafer) that has the bump pattern on its first surface and second surface.

It would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate this features , as taught by Syllaaios into the Glenn device and come up with the invention of claim 2 and 3 .

The rationale is as the following:

a person skilled in the art at the time the invention was made would have been motivated to increase the optical transmission characteristics of the Glenn device as taught by Syllaaios in column 1 lines 40-45)

also noted that both Glenn and Syllaos disclosure are in the same field of endeavor covering the same subjected matter of making sealed enclosure for infrared detector.

With regard to claim 4, Glenn discloses the use of a seal (element 126 of fig 15,fig 16).

The rationale as why claim 4 is obvious over Glenn in view of Syllaos has been set forth in the rejection of claims 2 and 3.

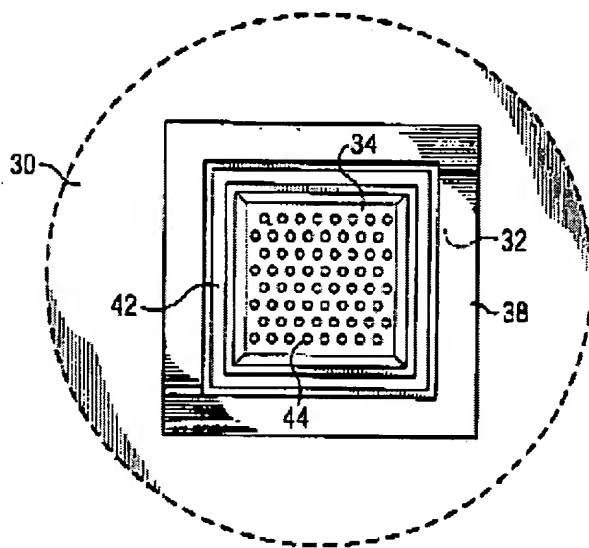
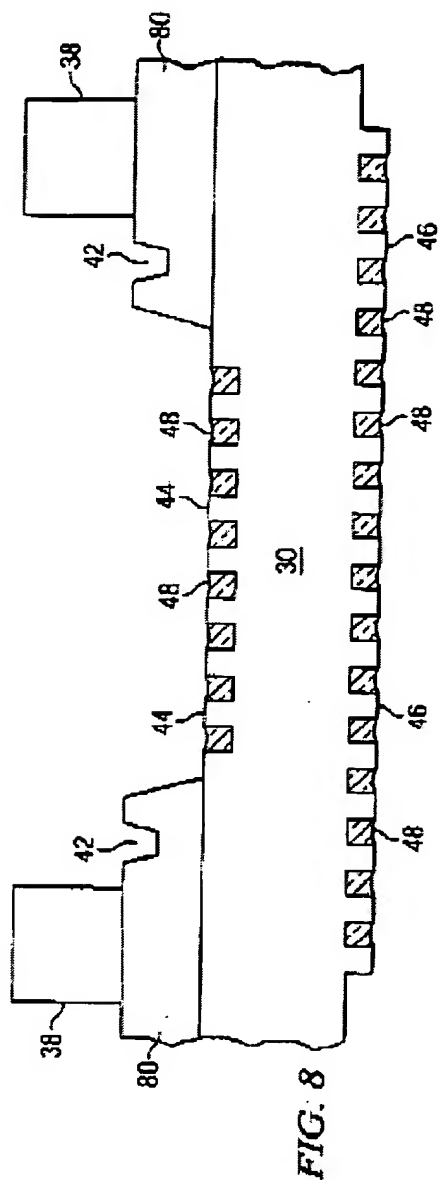


FIG. 4



ALLOWABLE SUBJECT MATTER

8. Claims 5-9 are allowable. The reasons for allowance of those claims has been given in the previous Office Action.

CONCLUSION

9. Applicant's amendment to independent claim 1 have necessitated new grounds of rejection for claims 1-4 and therefore **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thinh T Nguyen whose telephone number is 571-272-1790. The examiner can normally be reached on 9:30 am - 6:30 pm Monday to Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID NELMS can be reached on 571-272-1787. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval [PAIR] system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thinh T Nguyen

TTN

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Andy Nguyen
Andy Nguyen
Primary Examiner